Integrity & Compliance Annual Report FY2016 Highlights & Resources

Faculty Senate January 31, 2017

Jacqueline Kniska, J.D.
University Chief Integrity & Compliance Officer
Audit & Compliance Services
Lead by **Example**

As members of an academic learning community, we take very seriously our responsibilities to educate, innovate and inform. We are stewards of public resources and trust, and we are responsible for developing and educating people in an environment that is supportive, collaborative and safe. To achieve VCU’s goals, we must always foster an environment that celebrates all aspects of, and supports all members of, our university community.

— Michael Rao, Ph.D., president, VCU and VCU Health System
Faculty member

VCU’s Ethics and Compliance Program is in place to guide individuals to do the right thing and appropriately address misconduct when it does occur. This Program is focused on prevention by fostering a culture of integrity and compliance through our Code of Conduct and policies; ethics and compliance education and resources; identifying and managing risks; and encouraging individuals to speak up and ask questions.

This office—and compliance partners throughout the university—are available to support and assist you with questions you have about the various compliance requirements that apply to your work. However, ultimately, you understand your work best and it is your responsibility to ensure you are complying with the law and policy. VCU’s reputation, funding, support and ongoing success are dependent on each member of the university community taking accountability for their own actions and meeting these employee expectations.

How the Ethics and Compliance Program Benefits You
All university faculty members are affected by a number of compliance obligations in the course of their roles fulfilling the university’s mission of advancing knowledge and success. With the variety of responsibilities incumbent on faculty members, there may be policies and procedures that you do not know understand. This office and compliance partners are here to explain how the rules apply to the task at hand and aid you in solving compliance issues that may arise. Remember, asking questions and requesting guidance BEFORE making decisions is expected so that misconduct does not occur.

Listed below are a few of the resources available to you:

- Faculty Resource Library
- Curriculum Handbook
- Faculty Handbook
- Education and Student Life Policies

If you think that an ethics or compliance issue has already occurred, VCU’s Ethics and Compliance Program outlines several options for raising concerns so that issues may be appropriately addressed. You can read more about these options in our Duty to Report [PDF] policy, Code of Conduct or on the Reporting Concerns page.
Search Policies

Search Tips: Search policies by title and keyword(s).

Enter your keywords: 

Search
Report Substance

- Intake Method of Reported Concerns
- Reporter Type and Anonymity Factor
- Allegation Type by General Topic
- Report Outcome
- Unique Trends or special points of interest
- Benchmarking from prior 4 years

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Reported Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY12</td>
<td>146</td>
</tr>
<tr>
<td>FY13</td>
<td>202</td>
</tr>
<tr>
<td>FY14</td>
<td>276</td>
</tr>
<tr>
<td>FY15</td>
<td>285</td>
</tr>
<tr>
<td>FY16</td>
<td>296</td>
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</tbody>
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(307 reports)
Annual Issues and Event Report FY 2016 – Contributing Partners

- Human Resources
- Equity & Access Services
- Athletics Department
- Office of VP of Research - Research Integrity
- Univ. Integrity & Compliance Office
- Univ. Audit & Management Services

Statistical Compilation of Reported Concerns
## Breakdown of Reports to All Trusted Advisors Based on Independence

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>FY13</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports to Independent Option – <em>ICO</em></td>
<td>49</td>
<td>73</td>
<td>88</td>
<td>91</td>
</tr>
<tr>
<td>Reports to Independent Option – <em>Internal Audit</em></td>
<td>N/A</td>
<td>N/A</td>
<td>14</td>
<td>24</td>
</tr>
<tr>
<td>Reports to Management Option - <em>Compliance Partners</em></td>
<td>153</td>
<td>194</td>
<td>197</td>
<td>192</td>
</tr>
<tr>
<td>Total Reports</td>
<td>202</td>
<td>267</td>
<td>299</td>
<td>307</td>
</tr>
<tr>
<td>% reported to Audit &amp; Compliance Services — independent option</td>
<td>24%</td>
<td>27%</td>
<td>34%</td>
<td>37%</td>
</tr>
</tbody>
</table>
**Report Intake Method, Type & Anonymity**

Direct to Identified Compliance Partners
- **FY16:** 76%
- **FY15:** 74%
- **FY14:** 78%
- **FY13:** 82%
- **FY12:** 60%

**FY16:** Employees at 71%
- **FY15:** Employees at 75%
- **FY14:** Employees at 78%
- **FY13:** Employees at 81%
- **FY12:** Employees at 76%

*9% Students FY15, compared to 11% in FY 14 and 5% in FY13

**Note: Anonymity Monitoring**

**FY16:** 20% Chose to be Anonymous
- **FY15:** 20% Chose to be Anonymous
- **FY14:** 19% Chose to be Anonymous
- **FY13:** 12% Chose to be Anonymous
- **FY12:** 33% Chose to be Anonymous
Allegation Types Defined

• **Academic** - Academic Regulations, Program & Degree Requirements; Admission, Enrollment and Transfer of Students
• **Athletics** - Misconduct and NCAA Violations
• **Financial** - Fraud, Waste, Abuse; Falsification of Records; Improper Disclosure of Financial Records; Conflict of Interest - Financial
• **Human Resources / EEO** - Failure to Report Leave; Employee Misconduct; Threat or Inappropriate Supervisor Directive; Nepotism; Discrimination; Sexual Harassment; Bullying
• **Research** - Scientific Misconduct - includes Falsification, Fabrication and/or Plagiarism
• **Risk and Safety** - Unsafe Working Conditions; Environmental and Safety Matters
Top 3 Reported Allegation Types

• Most Commonly Reported: Human Resources at 63%

• Most Commonly Reported Combo:
  – Human Resources & Equal Employment Opportunity combined 80%
    – up from 73% last FY
  ➢ 16% substantiation rate for Equity-related concerns

• Second Most Commonly Reported: Financial at 7%,
  [down from 12%FY15 and 17% in FY14]
  ➢ Fraud Waste, Abuse or Misuse of Resources; Falsification of Records; Improper Disclosure of Financial Records; Conflict of Interest - Financial
% of Reports referencing an extremely unprofessional/uncomfortable environment

- FY2013: 11%
- FY2014: 9%
- FY2015: 6%
- FY2016: 7%
Allegation Outcome

Substantiation Breakdown by Allegation Type – FY16

- Equity - 16% substantiated
- Human Resources - 36% substantiated
- Financial - 55% substantiated
- Research - 0% substantiated
- Academic - 29% substantiated
- Athletics - 100% substantiated
- Risk and Safety - 50% substantiated

Overall Outcome – FY16

<table>
<thead>
<tr>
<th>Substantiated</th>
<th>Partially Substantiated</th>
<th>Unsubstantiated</th>
<th>Not Enough Information to Proceed</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>43%</td>
<td>7%</td>
<td>7%</td>
<td>12%</td>
<td>31%</td>
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</tbody>
</table>

FY15 **40% Substantiated**
*14% of overall total = Not Enough Info or Other [Inquiries]*

FY14 **33% Substantiated**
*28% of overall total = Not Enough Info or Other [Inquiries]*

FY13 **51% Substantiated**
FY12 **56% Substantiated**
Government Reviews

FY14
- Controlled Substances
- Title IX – Resolution Agreement
- Financial Aid / Clery
- Clery Media Audit

FY15
- Title IX – Resolution Agreement

FY16
- Title IX – Resolution Agreement
  Completed; 2 Complaints
- 2 VOSHO Reviews – no findings
Universitywide Culture Survey circa - 2015; 2012; 2010
Integrity and Compliance Culture Survey Results

Participation increased **20%** from 2012

2,522 employees responded in 2015

**Overall Goals**
- Measure awareness of compliance resources
- Assess attitudes toward integrity, compliance and raising concerns
- Identify opportunities for improvement
Familiarity with ICO & Resources

Integrity and Compliance Office:
Overall 18% increase in familiarity from 2012

VCU Code of Conduct:
Overall 41% increase in familiarity from 2012

Policy Library:
Overall 20% increase in familiarity from 2012

VCU Helpline:
Overall 15% increase in familiarity from 2012
Perceptions of Integrity & Compliance in the Workplace

84% believe that most employees at VCU demonstrate integrity and ethical behavior in performance of their job duties:

No change in agreement from 2012

79% believe that most employees in leadership positions at VCU demonstrate integrity and ethical behavior in performance of their job duties:

Compared to 57% in the National Business Ethics Survey

Overall 1% decrease in agreement from 2012
Comfort Level with Reporting

74% feel they would be protected from retaliation if reporting misconduct to a supervisor:

3% increase in agreement from 2012

73% feel they would be protected from retaliation if reporting misconduct to a central office:

4% increase in agreement from 2012

78% feel they would be protected from retaliation if reporting misconduct to the VCU Helpline:

5% increase in agreement from 2012
Observing or Experiencing Misconduct

19% observed or experienced misconduct

- Compared to 41% in the National Business Ethics Survey

53% of those who observed misconduct, reported it

- Compared to 63% in the National Business Ethics Survey

Bottom line:
VCU employees observe less misconduct than the national average, and are also less likely to report it.
Reporting Misconduct

Why didn’t you report your concern?

- Belief the concern would not be appropriately addressed (29%)
- Fear of retaliation by a supervisor
- Management already aware of the concern
- Fear of retaliation by coworkers
- Unaware of reporting options
- Management in the area discourages reporting concerns
- Someone else already reported the concern
- Resolved before opportunity to speak up
- Other

21% cited fear of retaliation as the reason for not reporting

Compared to 30% in the National Business Ethics Survey
Observation of Misconduct – a subpopulation of survey participants

19% believe that they experienced or observed a violation of laws, regulations, or university policy in their office/department within the last 12 months.

VS.

5% reported being asked to bend, break or circumvent laws, regulations, and/or university policies during the last 12 months by someone in their department.
Comments about Ethics & Compliance at VCU

Unethical Leadership & Less Accountability for Higher Level Employees: 25%

Overall Positive Comments: 22%

Request for Increased Training/Awareness: 16%

Concerns about VCU’s Ethical Culture: 12%

Comments about Fear of Retaliation for Speaking Up: 11%

General Compliance and Policy Suggestions & Criticisms: 9%

Lack of Civility & Respect in the Workplace: 7%

Employees Not Held Accountable: 5%
Moving Forward

- **Integrity and compliance education**
  - Increasing in-person education and Q&A sessions
  - Supervisor specific education on how to appropriately handle reported concerns and follow-up communication

- **Communicating Duty to Report policy**
  - Focusing on anti-retaliation and promoting a civil and professional working environment

- **Policy Program/Library awareness**
Ethics and Compliance Education Training Updates – 3rd Iteration

- Ethical Behavior – Code of Conduct
- Reporting Concerns & Protection from Retaliation*
- Diversity and Inclusiveness
- Sexual Misconduct/Title IX*
- Workplace Health and Safety
- Interest Disclosure
- Research Integrity
- Intellectual Property
- Records Management
- Safeguarding Confidential/Private Information*
- External Communications & Our Brand

NEW – content; presentation; and situational question format assessing comprehension and application

*Denotes additional info provided this year based on risk environment
2015 Comparison to Prior Year (2014)

T&R Faculty+18; Professional Faculty+13; Qatar Faculty+9; Admin Faculty+7; VCUPD+6; Staff +2

Clinical Faculty -7; Adjunct Faculty -7; Hourly & Other -2

What will 2016 data look like?
Did you complete yours?
2015 Ethics and Compliance Education
Completion Rates by Employee Type

- Professional Admin Faculty: 93%
- Faculty: 89%
- Clinical/M.D. Faculty: 76%
- T&R Faculty Adjunct Faculty: 31%
- Qatar Faculty: 45%
- Law Enforcement: 100%
- Classified Staff/Other: 88%
- Hourly and Other Student Employees: 44%
- Student Employees: 63%
## Item 7 – Ethics and Compliance Education Training Updates - 2015

<table>
<thead>
<tr>
<th>61% of Total Faculty</th>
<th>77% Full Time Faculty</th>
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<tbody>
<tr>
<td></td>
<td>32% Part Time &amp; Adjunct Faculty</td>
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@ 72% Prior Yr.

### 66% Overall

78% Core Faculty & Staff

(not including P/T Faculty or Staff or Student Employees)

@ 75% Prior Yr.

<table>
<thead>
<tr>
<th>73% of Total Staff</th>
<th>88% Full Time Staff</th>
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<tr>
<td></td>
<td>45% Part Time &amp; Hourly Staff</td>
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Negligible Change @ 65% and 79% in Prior Yr.